IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

RSA.No. 1035 of 2007()

AS.260/2003 of ADDL.DISTRICT COURT, KOZHIKODE
OS.82/1997 of ADDL.M.C.,KOZHIKODE-II
.....

APPELLANT/APPELLANT/PLAINTIFF:

K.MOHAMMED HAJI, S/O. UTHAN HAJI,
AGED 56, SHAREEFATH MANZIL, P.O.NARIKKUNI,
KOZHIKODE.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENTS: RESPONDENTS/DEFENDANTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   THE DISTRICT COLLECTOR, KOZHIKODE.

2. **TAHSILDAR, (REVENUE RECOVERY),**
   PUTHIYARA, KOZHIKODE.

3. **DISTRICT EXECUTIVE OFFICER,**
   KERALA MOTOR TRANSPORT WORKERS WELFARE FUND,
   NADAKKAVU, KOZHIKODE.

BY

THIS REGULAR SECOND APPEAL HAVING COME UP FOR ADMISSION ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

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R.S.A. NO. 1035 OF 2007

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Dated this the 29th day of November, 2007

JUDGMENT

Learned counsel appearing for appellant was heard.

2. The appeal is filed against the dismissal of first appeal as petition filed under section 5 of the Limitation Act to condone the delay of 772 days in filing the appeal was dismissed. The suit was filed for a declaration and consequential injunction against the recovery of the amount under Revenue Recovery Act. Learned Munsiff dismissed the suit on 18.8.2000. First appeal was filed after a delay of 772 days. Learned District Judge elaborately considered the question of sufficiency of the cause shown for condoning the delay and found that the inordinate delay cannot be condoned. On the facts, I do not find any illegality in that order. No substantial question of law is involved in the appeal.

Appeal is dismissed in limine.

M.SASIDHARAN NAMBIAR
JUDGE

tpl/-

M.SASIDHARAN NAMBIAR, J.

W.P.(C).NO. /06

JUDGMENT

SEPTEMBER,2006